

RECEIVED  
CENTRAL FAX CENTER

APR 15 2005



## FACSIMILE COVER SHEET

Date: April 15, 2005

To Examiner : Susan B. McCormick-Ewoldt  
Group 1654

From: Darlene A. Vanstone  
Registration No. 35,729

Fax Number: (703) 872-9306

Subject: Paper: Reply to Restriction Requirement  
Docket No.: 4010.3004 US1  
Applicants: Bernadene Ann Magnuson, *et al.*  
Serial No.: 10/795,967  
Filing Date: March 8, 2004

Number of pages including this cover sheet 3

Please confirm receipt of facsimile: Yes  No \_\_\_\_\_

Comments:

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

RECEIVED

CENTRAL FAX CENTER

PATENT APPLICATION

APR 15 2005 Docket No.: 4010.3004 US1

2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bernadene Ann Magnuson, Monica M. Giusti, Minnie Malik and Cuiwei Zhao

Application No.: 10/795,967 Group Art Unit: 1654

Filed: March 8, 2004 Examiner: Susan B. McCormick-Ewoldt

Confirmation No.: 8630

For: ANTHOCYANIN-RICH COMPOSITIONS AND METHODS FOR INHIBITING CANCER CELL GROWTH

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Rachel Meehan	4-15-05
Signature	Date
Rachel Meehan	
Typed or printed name of person signing certificate	

REPLY TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated March 18, 2005, Applicants elect, with traverse, Group I claims 1-22. Applicants traverse the restriction requirement and respectfully submit that Claims 1-22 require the use of an anthocyanin-rich extract of the same scope as the anthocyanin rich extract of the pharmaceutical composition of Claims 23-27. The examination of claims drawn to pharmaceutical compositions (Group II) necessarily requires a search on all uses of the pharmaceutical composition, and therefore there is no added search burden to simultaneously search both Group I and Group II claims.

10/795,967

-2-

Applicants request clarification of the classification. It is Applicants understanding that the method of use lies with the pharmaceutical composition and that the classes/subclasses involved are 424/ 732, 765, 766, 773 and 777.

The Examiner has requested that the Applicants elect a species. Applicants elect the anthocyanin-rich extract derived from chokeberries. Claims 1-4 and 6-22 of Group I, and Claims 22-27 of Group II, read on an anthocyanin-rich extract derived from chokeberries.

#### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 251-3509.

Respectfully submitted,

ELMORE, CRAIG & VANSTONE, P.C.

By Darlene A. Vanstone

Darlene A. Vanstone  
Registration No. 35,729  
Telephone: (978) 251-3509  
Facsimile: (978) 251-3973

Dated: April 15, 2005